INITIATIVE 904

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 904 to the People is a true and correct copy as it was received by this office.

- 1 AN ACT Relating to establishing the office of citizen councilor; 2 and adding new sections to chapter 43.09 RCW.
- 3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:
- 4 <u>NEW SECTION.</u> **Sec. 1.** The legislature finds that:

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- 5 (1) Freedom of speech, freedom of petition, and freedom of assembly are hollow rights if people feel unable to be heard.
 - (2) Freedom to be heard is not mentioned in the United States Constitution and thus is a right reserved to the people under the ninth amendment.
 - (3) The accounting profession has fully developed financial audits of tangible accounting for fraud but has not yet developed ways to measure intangible accounting of human assets such as the esprit de corps and stakeholder interests and concerns of citizens in their various roles as taxpayers, clients, patients, consumers, workers, and constituent members of organizations.
 - (4) The economic collapse of Enron and WorldCom and other similar economic experiences demonstrate that there is a need in society to continue to develop intangible accounting procedures of "compliance audits" and "performance audits," now performed by the state auditor,

and to develop new "social audits" and "internal audits" of intangible accounting assets to allow all interested citizens to participate in the legitimating of the free enterprise system and its economic and political institutions.

- (5) The forum foundation is a nonprofit, educational research corporation of Washington state organized in 1970 to improve the functioning of organizations and society based on futures research and administrative theory conducted at the University of Washington from 1968-70, continued at the church council of greater Seattle from 1971-90, recognized partially by 1993 Senate Resolution No. 8636 and fully documented in the book The Leadership of Civilization Building (Administrative and Civilization Theory, Symbolic Dialogue, and Citizen Skills for the 21st Century) by Richard J. Spady and Richard S. Kirby in collaboration with Cecil H. Bell, Jr.), 2002, available in Seattle, King County, University of Washington libraries and University and Elliott Bay bookstores, Seattle, and the Cokesbury bookstore in Kirkland.
- (6) There is a need to create a citizen councilor network of small discussion groups, open to all citizens, self-funded, and using symbolic and sustainable dialogue to communicate among political and economic leaders and the people at large.
- (7) Governments have been unable to discuss the merits of citizen participation and zeitgeist communication in a substantive manner to this date.
- (8) The passage of Initiative Measure No. 695 in 1999, Initiative Measure No. 776 in 2002, and the defeat of Referendum Measure No. 53 in 2002 are social indicators that governments, business, media, and community organizations need improved listening skills in order to substitute human responsibility for futile strife and hatreds.
- (9) The governor has a constitutional responsibility to administer state affairs, the legislature has a constitutional responsibility to enact legislation in the state, and citizens have a political right to be heard and enabled to participate viably with their opinions in their organizations, institutions, and governments in the state in a process of building social capital through both bonding and bridging dialogue and improving community mental health and happiness, one of the goals of all governments, for "life, liberty, and the pursuit of happiness."
- (10) The Washington state auditor has a constitutional responsibility and independently serves the citizens of Washington by

promoting accountability, fiscal integrity, and openness in state and local government. The approach of an auditor's work is constantly professionally evolving through new administrative theories involving the use of new symbolic dialogue, in social audits and internal audits of intangible human assets along with regular financial, compliance, and performance audits as done in Washington and other states. Furthermore, in working with these governments in partnerships, the auditor strives to ensure the proper use of public resources to enable its citizens to more clearly envision their future in the theme, "Washington, an inspirational state in pursuit of happiness!"

- (11) More than two thousand four hundred local governments of thirty-three different types and one hundred sixty-eight state agencies, colleges, universities, boards, and commissions are administered and audited for fiscal accountability of roughly eighty-four billion dollars annually. Furthermore, as relationships are in partnerships with governments, the state auditor reports are constructive management tools for them to use.
- (12) Accountability is a goal both of administration and auditing, but accountability is fundamental to the work of the state auditor as audits touch heavily on legal compliance with state laws and rules and governmental entities' own policies and ordinances.
- (13) Similar experiences in other states including Texas, Colorado, Oregon, and Utah have been positive to create a public forum to restore citizens' trust in their governments, expand social capital, and improve community mental health.
- (14) Washington has long been recognized as a precursor state in social and economic innovation. It was the only state that emerged from the national bicentennial celebration in 1976 to use the last of its resources from royalties to fund ongoing programs in citizen participation. Washington was able to discern that it was not quite volunteerism they were after in the statement: "Give me your body, your hands, your time." Rather Washington was more interested in the theme, "give me your mind," which was significantly different. Furthermore, our nation is now on the verge of major discoveries in social science and some of the major discoveries have been occurring here in Washington state and the greater Seattle area by the forum foundation and was recognized as such in 1993 Senate Resolution No. 8636. This recognition has been further augmented by publication in 2002 by the forum foundation of (a) The Leadership of Civilization

Building (Administrative and Civilization Theory, Symbolic Dialogue, and Citizen Skills for the 21st Century) by Richard J. Spady and Richard S. Kirby with collaboration of Cecil H. Bell, Jr. of Seattle, and (b) Society's Breakthrough! (Releasing Essential Wisdom and Virtue in All the People) by Jim Rough of Port Townsend, and (c) acceptance of the fast forum technique by the Washington association of churches to inaugurate research in a youth religious councilor network.

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(15) It is natural in our democratic republic that the citizens of Washington state be invited to participate in its governing processes within their time and energy levels in the exercise of their political rights whenever possible and help the governor, legislature, and the state auditor in their constitutional responsibilities to administer, legislate, and monitor all governments, public entities, and public funds.

NEW SECTION. Sec. 2. The legislature recognizes that some citizens have difficulty accessing political processes that rely on public hearings held at locations that are often distant or held at inappropriate times from their residence or workplace. To increase public participation in the political process, the legislature intends to establish and support a self-funding pilot process in cooperation with the state auditor and the secretary of state by which citizens can receive information about public issues and provide feedback to elected officials in a convenient, timely manner and local setting.

NEW SECTION. Sec. 3. (1) The office of citizen councilor is created in accordance with section 13 of this act. Any citizen registered to vote, or who lives or works in Washington but is not a registered voter, who volunteers to act as an official government advisor may become a citizen councilor on request by sending a letter to the state auditor or by calling a special toll-free number and subscribing to a nominal fee as set by the state auditor to recover substantially the direct costs from citizen participation in the The indirect costs of public officials, university, and program. government employee participation to provide information to citizen councilors in their dialogues and deliberations shall be borne by the government entity or university participating. Citizen councilors shall act collectively as official advisors or a sounding board for the governor, the legislature, the state auditor, or other public officials

and agencies such as the department of community, trade, and economic development on issues of public interest or concern. Conveners of citizen councilor groups shall be those designated by the citizen councilor coordinator or deputy citizen councilor coordinator under sections 7 and 8 of this act from among citizen councilors who volunteer to host a group. Every effort shall be made to assign citizen councilors to a group that meets at a convenient time and place for those participating. Meetings will usually be in small groups meeting in related resident or work area zip codes.

(2) Citizen councilors may participate:

- (a) In a citizen councilor group of approximately eight to twelve persons organized by residence or work area zip code with the assistance of the citizen councilor coordinator;
- (b) In a citizen councilor organizational group under sections 9 and 10 of this act; or
- (c) As an individual if the individual is unable to attend meetings in groups due to age, disability, remote location, or personality conflict.
- (3) Citizen councilors will be reassigned a group on request to assure that their group meeting place, time, and makeup is convenient and compatible, or the citizen councilor coordinator may make individual assignments of a councilor when deemed necessary.
- (4) For the purposes of this section and sections 4 through 13 of this act, "councilor" means an official advisor to a sovereign or chief magistrate.

NEW SECTION. Sec. 4. (1) The state auditor shall prepare by March 1st of each year a citizen councilor network opinionnaire as a social audit using the fast forum technique as developed by forum foundation research. This initial opinionnaire shall be based on the state of the union address of the president of the United States together with a few "performance audit" questions posed by the state auditor and consist of four pages of approximately twenty-three to thirty questions. In addition, legislators from each legislative district may submit to the state auditor by February 1st a list of approximately twenty to twenty-seven questions to be appended to the state of the union questions for response of citizen councilors in their own district. The state auditor may append questions in a district if the legislators of a district do not do so. If district legislators cannot agree together

on the questions to be submitted, then each senator shall get one-half the space available as determined by the state auditor and each representative shall be given one quarter. The state auditor or the state auditor's representative may edit all questions submitted for grammar and style with the overall opinionnaire format.

(2) The governor may prepare by March 15th of each year a citizen councilor network opinionnaire to be administered by the state auditor and using the fast forum technique as developed by forum foundation's The opinionnaire shall be based on the state of the state address or other concerns of the governor and consist of four pages of approximately twenty-three to thirty questions with editing by the state auditor to assure a style consistent with the state of the union address or typical yes/no, multiple choice, Likert, or end-anchor value questions used by the fast forum technique. In addition, legislators from each legislative district may submit to the state auditor by the end of April a list of approximately twenty to twenty-seven questions to be appended to the state of the state questions for response of citizen councilors in their district. The state auditor may append questions in a district if the legislators of a district do not do so. If district legislators cannot agree together on the questions to be submitted, then each senator shall get one-half the space available as determined by the state auditor and each representative shall be given one-quarter. The state auditor or the state auditor's representative may edit all questions submitted for grammar and style with the overall opinionnaire. If the governor does not prepare a citizen councilor network opinionnaire by March 15th, the state auditor will convene a citizen's wisdom council to select the issue or issues consideration partially based on concepts in the book Society's Breakthrough! (Releasing Essential Wisdom and Virtue in All the People), 2002, by Jim Rough of Port Townsend in accordance with sections of this act.

<u>NEW SECTION.</u> **Sec. 5.** (1) On request of the state auditor, the secretary of state shall select a citizen's wisdom council composed of twelve statewide registered voters selected randomly by lot using public lotto-type mechanical drawing procedures to symbolically represent the people of the state of Washington and ascertain that all selected are willing to participate and to make random replacements if necessary.

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(2) In any event, the state auditor shall convene a citizen's wisdom council annually and appoint a facilitator to the council who is experienced in helping diverse people reach unanimous conclusions on difficult topics. The purpose of the citizen's wisdom council is to create the next agenda for the citizen councilor network. Before adjournment, the citizen's wisdom council will prioritize their statements generated concerning the agenda for the state auditor by consensus or failing that by majority rule. The state auditor shall establish policies and procedures for convening the citizen's wisdom council, and will promote widespread media coverage of the event. Results of the citizen's wisdom council at its conclusion will be presented in a public ceremony.

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- (3) The expenses and standard per diem allowances for legislators will be provided to the members of the citizen's wisdom council for their work and a professional honorarium will be paid to the facilitator under sections 11, 12, and 13 of this act.
- (4) The state auditor will assign the topics and priority of the citizen's wisdom council to the citizen councilor coordinator for development of an opinionnaire and supportive materials by one or more value reporters in accordance with section 6(2) of this act and effect the social audit and symbolic dialogue network.

<u>NEW SECTION</u>. **Sec. 6.** (1) Other than the state of the union, state of the state, and citizen's wisdom council opinionnaire and materials, the state auditor shall determine suggested issues for public dialogue and deliberation in a social audit approximately quarterly but not more than monthly from suggestions received from the governor, legislature, state and local public officials, agencies, counties, municipalities, and individual citizen councilors and recommend an appropriate issue or issues for consideration by the citizen councilor network to a steering committee and under subsection (2) of this section. An advisory citizen councilor steering committee shall be composed of the following nonvoting members: (a) A representative from the governor's office; (b) legislative members: One member of the minority party and one member of the majority party from each house of the legislature; (c) a representative from the superintendent of public instruction; (d) a representative from each county; representative from each regional government; (f) a representative of higher education; (g) a representative from the association of

Washington cities; (h) a representative from any organization participating with over fifty groups of eight to twelve persons under section 10 of this act; (i) the citizen councilor coordinator and deputy citizen councilor coordinator selected as provided in section 7 of this act; and (j) others invited by the state auditor. All will serve without remuneration except if expenses are provided otherwise by law by their own agency to public persons attending. Travel expenses may be provided on request to steering committee members if funds are available at the sole discretion of the citizen councilor coordinator or deputy citizen councilor coordinator.

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(2) After consideration and advice by the members of the steering committee, the state auditor, as an elected public official, shall determine and assign the issue or issues approved for discussion to the volunteer citizen councilor coordinator for preparation implementation by value reporters and others, except that the first meeting of a group will be an orientation meeting prepared by the state auditor unless the group was organized and already functioning under the auspices of the Washington association of churches or others before the effective date of this act. Value reporters assigned to gather information on issues shall be careful to present all issues as evenhandedly as possible, taking care to present the generally prevailing viewpoints surrounding an issue or issues from experts, officials, scholars, and others in an effort to provide the public with information needed for discussion. Value reporters shall represent the people's right to know and will conduct interviews of experts, officials, scholars, and others to solicit their various viewpoints and record such interviews on audio or videotape for later reproduction and distribution to citizen councilor groups. Before any materials are released to citizen councilor groups, however, persons interviewed and taped shall approve their taped interview for release or complete another interview to their satisfaction, otherwise their statement shall not be included in materials sent to citizens.

(3) The state auditor shall refer the public information material prepared by the citizen councilor coordinator, deputy citizen councilor coordinator, and their staffs to the steering committee for its review and recommendations. The governor for the state of the state address and the state auditor for all other opinionnaire materials shall make the final determination of all materials distributed to citizen councilors.

NEW SECTION. Sec. 7. The offices of citizen councilor coordinator and deputy citizen councilor coordinator are created within the office of the state auditor. The state auditor shall appoint the citizen councilor coordinator and deputy citizen councilor coordinator with the advice of the steering committee, if available. The citizen councilor coordinator and deputy citizen councilor coordinator shall serve at the pleasure of the state auditor, until terminated with the approval of the steering committee, and shall be citizen volunteers and serve without compensation, but shall be reimbursed for actual expenses incurred in carrying out their duties under sections 1 through 13 of this act as funds for subscriptions and donations are available.

NEW SECTION. Sec. 8. The citizen councilor coordinator and deputy citizen councilor coordinator shall:

- (1) Promote to the citizens of the state and northwest region the citizen councilor program and its contribution to public and private planning processes;
- (2) Oversee preparation, tabulation, summarization, and dissemination of data and information by the government and volunteer staff;
- (3) Receive, on behalf of the citizen councilor revolving fund, gifts and donations of real or personal property, including cash and in-kind services;
- (4) Hire a value reporter and other paid staff to assist the volunteer staff if funds are available;
- (5) Contract for any services including without limitation a toll-free telephone number and answering service, keying, optical scanning, computer tabulation, recording, reporting, research, consulting, printing, and mailing to carry out sections 1 through 13 of this act;
- (6) Solicit volunteers to assist in administering the program from community service, educational, civic, business, religious, and other organizations;
 - (7) Solicit citizen councilor groups from existing organizations;
- (8) Solicit individual citizen councilors to participate in local groups organized by mutual convenience usually within the same residence or work zip code area;
- (9) Assign value reporters to interview scholars, experts, public officials, planners, leaders, and others on tape concerning topics of discussion assigned by the state auditor;

(10) Produce audio or video cassette tapes, or both, and printed materials as evenhandedly as possible;

- (11) Mail or distribute by e-mail public information materials to citizen councilor communicators for conveners or individual citizen councilors, or both, after final approval by the state auditor;
- (12) Provide, at cost, group mailing labels of its own conveners on request of an organization participating or to a county, regional government, municipality, or school district if a private iteration of their own constituents is desired at their own time and expense;
- (13) Use machine-scan, interactive telephone, or computer technology, or all three, to record citizen councilor responses and tabulate data;
- (14) Mail organizational, community, school, business, or church profiles to the leaders of such participating organizations for their information and without cost when they have over fifty groups responding statewide. Such information shall be filed for public review;
- (15) Prepare summary reports of data generated and press releases and post the data for public analysis on a web site when the technology is available;
- (16) Mail summary reports and other information to all citizen councilor conveners for their groups and to participating organizations, and to those public officials who have indicated to the citizen councilor coordinator that they are interested; and
- (17) Maintain data generated for public and media reference in the state auditor's office and/or posted on a web site for public access.
- The secretary of state will cooperate with the state auditor on request by providing information on initiatives, referendums, and the Washington state voters' pamphlet for the consideration of the citizen councilor network in their dialogues and deliberations.
- NEW SECTION. Sec. 9. The citizen councilor coordinator shall actively encourage citizen councilor groups to form throughout the state. Citizen councilor groups shall usually consist of a minimum of eight and a maximum of twelve regularly assigned members and meet on call of their convener at times and places they deem most appropriate during a thirty-day or other designated time period. Citizen councilor groups might normally meet approximately two or three times per year on state issues, one or two times on county or municipal issues, and one

time on federal issues in response to the president of the United States through the state of the union address. They shall have the opportunity to listen to audio or videotapes articulating an issue of public interest or concern and study other materials prepared or authorized as described in section 4 of this act. Citizen councilors shall have the opportunity to respond anonymously making their opinions known on individual mark-sense response sheets or other interactive response technology for return to the citizen councilor coordinator for tabulation and analysis.

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Sec. 10. Eight through twelve citizens from NEW SECTION. organizations such as, but not limited to, community service, civic associations, cooperatives, unions, religious, business, or school district groups may enroll as an organizational group with their own communicator and convener designated. An organizational profile report shall be provided to the leaders of organizations with fifty or more groups without cost to inform them of how their members responded to public issues posed as approved by the state auditor and others and shall be open to public inspection in the office of the state auditor or posted on a web site for public analysis. If additional profiles or services are requested by an organization of its own constituents, the policy, rules, and fees to cover such costs shall be paid separately. Organizations with fifty or more groups may purchase mailing labels of their group conveners from the state auditor and prepare and mail their own group materials for tabulation at their own effort and expense. These data shall not be tabulated by the citizen councilor coordinator and shall not be combined with the public data nor available for public inspection at the office of the state auditor.

NEW SECTION. Sec. 11. (1) Each citizen councilor shall be asked to make donations from time to time to help cover the costs of the citizen councilor program estimated at ten dollars per person per year at present costs. It is also the intention of the state auditor that donations and gifts be solicited from public-spirited individuals, businesses, and foundations to assist in the funding of the program and to provide scholarships to unemployed or low-income citizens. However, since all direct costs of this program are provided by donations and subscriptions with no funds from public sources, the citizen councilor coordinator shall use his or her discretion in determining the scale

and the scope of the program so that expenses do not exceed available funds.

(2) Libraries will be encouraged to participate and allow citizens who are not members of a citizen councilor group to respond to the state of the union opinionnaire with appended questions by district legislators as well as state of the state with appended questions and wisdom council opinionnaires. A citizen may purchase a machine-scannable response sheet from a library at a price to cover the direct costs to the library plus an amount to cover indirect costs. Current costs are twenty-five cents per sheet direct cost to an organization that includes scanning and tabulation of data plus sales tax, postage, and handling plus an allowance to the library to cover its indirect costs of administration which may result in fifty cents to one dollar cost per sheet for the citizen responding in a library or other facility approved by the state auditor, e.g., a coffee house.

NEW SECTION. Sec. 12. A citizen councilor revolving fund is created and shall consist of donations and subscriptions collected under sections 1 through 13 of this act and any moneys appropriated to it by law for specific purposes. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the citizen councilor coordinator or deputy citizen councilor coordinator. In order to maintain an effective expenditure and revenue control, the citizen councilor revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. Sec. 13. (1) The state auditor shall establish the office of citizen councilor and will provide the citizen councilor coordinator and his or her volunteer staff with space in existing offices. Appropriations are not required, but the state auditor may consider the services provided under this section in submitting its budget.

(2) The citizen councilor coordinator shall seek donations from citizen councilor organizational groups, citizen councilors, public-spirited individuals, community service organizations, businesses, and foundations to help cover the costs of the program. When ten thousand dollars in donations have been received, the state auditor shall

authorize the citizen councilor coordinator to establish a toll-free telephone number and answering service to develop a list of the names, addresses, and telephone numbers of persons and groups interested in serving as citizen councilors, citizen councilor communicators and/or conveners, and communicators and conveners in citizen councilor organizational groups, or in making donations. Whenever possible, the names, addresses, and legislative districts of registered voters maintained by the secretary of state shall be copied to reduce costs of the state auditor while increasing accuracy of the citizen councilor records. When ten thousand dollars in additional donations have been received, the citizen councilor coordinator may initiate the new communication process contemplated in sections 1 through 13 of this act and continue it at a scope and scale that is supportable by the resources available.

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- (3) In the event the program under sections 1 through 13 of this act fails to support its direct costs and is necessary to be terminated by the state auditor, funds remaining after payment of all outstanding expenses and disposal of equipment and supplies owned shall be deposited in the general fund.
- (4) The theory, programming, and procedures in this act are pioneering and have never been used at the state level before in an effort to design new audit processes to measure intangible human assets of esprit de corps and the concerns and interests of stakeholder citizens. The state auditor, as an elected public official and constitutionally charged to monitor state government and perform appropriate tangible asset financial audits and intangible asset compliance, performance, social, and internal audits, shall be given the widest discretion possible in resolving problems that might arise in administration of this new professional technology project if necessary.
- 31 <u>NEW SECTION.</u> **Sec. 14.** Sections 1 through 13 of this act are each 32 added to chapter 43.09 RCW.

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